

**Department of Housing and Community Development
Division of Community Affairs
CalHome Program**

**Exterior Accessibility Grants for Renters Program
*EAGR***

Program Guidelines

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Article 1. General

Section 100. Purpose and Scope

- (a) These guidelines implement and interpret the provisions of Chapter 4, Section 53533(a)(5)(B) of Part 11 of Division 31, Health and Safety Code, which establishes and describes the Exterior Accessibility Grants for Renters (EAGR) program. Subparagraph (B) states:

Five million dollars (\$5,000,000) shall be used to provide grants to cities, counties, cities and counties, and nonprofit organizations to provide grants for lower income tenants with disabilities for the purpose of making exterior modifications to rental housing in order to make that housing accessible to persons with disabilities. For the purposes of this subparagraph, “exterior modifications” includes modifications that are made to entryways or common areas of the structure or property.

- (b) These guidelines establish terms, conditions and procedures for the award and disbursement of funds allocated to this program by the Housing and Emergency Shelter Trust Fund Act of 2002 pursuant to subparagraph (B) above.

Section 101. Definitions

In addition to the definitions found in Chapter 2 (commencing with Section 50050) of Part 1 of Division 31 of the Health and Safety Code, the following definitions shall apply to these guidelines. References to sections refer to the sections of these guidelines unless otherwise noted.

- (a) “Applicant” is the locality or nonprofit corporation, which submits an application to the Department to operate a local EAGR program.
- (b) “Assisted units” means rental housing units that have benefited from a local EAGR program.
- (c) “Department” means the California Department of Housing and Community Development.
- (d) “Disabled tenant” means tenant with a qualifying disability.
- (e) “Exterior” means any area in the rental property to be assisted with EAGR funds which is outside of the individual housing unit, including, but not limited to the approach to individual units, and areas common to the rental property.

- (f) “Gross income” means all income as defined in California Code of Regulations (CCR) Title 25, Section 6914.
- (g) “Household” means one or more persons occupying the same housing unit as defined by the person seeking the accessibility improvement.
- (h) “Local public agency” or “locality” means a city, county, or city and county within the state of California.
- (i) “Lower-or low-income tenant” means the same as “low-income household” as defined in Section 50079.5 of the Health and Safety Code.
- (j) “NOFA” is the acronym for Notice of Funding Availability. The NOFA is the document used by the Department to announce that funds are available and applications may be submitted.
- (k) “Nonprofit corporation” means a corporation as defined in Section 50091 of the Health and Safety Code.
- (l) “Qualifying Disability” is any disability which impairs a person’s movement and/or limits their ability to navigate common external architectural barriers, and who can benefit from the exterior accessibility improvements.
- (m) “Recipient” means a locality or nonprofit corporation that receives an award of funds from the Exterior Accessibility Grants for Renters program.
- (n) “Standard Agreement” means the contract entered into between the Department and a Recipient pursuant to Section 115.

Article 2. Program Requirements

Section 102. Applicant Eligibility Requirements

- (a) To be eligible to apply to the Department for an award of program funds, the applicant shall be a city, county, city and county, or a nonprofit corporation;
 - (1) A nonprofit corporation must be a corporation whose exempt purposes and activities for the two years prior to the date of application have included service to persons with disabilities of all ages, or operation of a housing rehabilitation or construction program;

- (2) A nonprofit corporation shall also demonstrate organizational and financial stability to the Department's satisfaction through organizational documents and audited financial statements submitted for Department review as part of its application for funding.
- (b) Geographic Restrictions:
 - (1) A local public agency shall only be eligible to apply for EAGR grant funds to operate a program within its jurisdictional boundaries;
 - (A) An applicant that is a local public agency representing a city may apply to operate an EAGR program within its city limits.
 - (B) An applicant that is a local public agency representing a county may apply to operate an EAGR program within the unincorporated areas of that county, and may also, with a written agreement, operate an EAGR program within the boundaries of the cities within that county.
 - (2) A nonprofit corporation shall only be eligible to apply for EAGR grant funds to operate a program within one or more counties in which it has previously been providing its services, or in a designated jurisdiction in which it has an agreement with a city or county, or city and county, to provide an EAGR program.
- (c) Applicants must demonstrate the capability to operate a successful exterior accessibility improvement program by one of the following methods;
 - (1) Demonstrated experience operating a housing construction or rehabilitation program which includes the provision of exterior accessibility improvements; or
 - (2) Providing evidence of a partnership or joint venture with an experienced housing construction or rehabilitation program provider with experience providing exterior accessibility improvements; or
 - (3) Submission to the Department of proposed EAGR program guidelines which the Department determines meet the requirements of these Guidelines.

Section 103. Eligible Activities

- (a) The Department may make grants to local public agencies or nonprofit corporations to fund programs undertaking:
 - (1) Exterior accessibility improvements to existing residential rental housing units (multi-unit or single family) which include any or all of the following types of improvements:
 - (A) Ramps
 - (B) Curbs and curb cuts
 - (C) Concrete sidewalks
 - (D) Railings and grab bars
 - (E) Exterior building and/or unit door replacement (including frame/jamb replacement or modification)
 - (F) Exterior building and/or door hardware replacement
 - (G) Mechanical lifts
 - (H) Modification of existing or installation of new directories, intercoms, and security entrance mechanisms.
 - (I) Installation of signage in Braille and raised characters.
 - (J) Other exterior building and/or unit improvements necessary to make a rental unit accessible from the exterior, or from the interior, or from the accessible unit to other common areas.
 - (2) The improvements may enhance accessibility for persons with mobility, visual, hearing, or other physical disabilities.

Section 104. Eligible and Ineligible Uses of Funds

- (a) The following construction expenses and activity delivery costs are eligible uses of program grant funds:
 - (1) Labor and material expenses related to eligible improvements
 - (2) Design and engineering costs related to eligible improvements
 - (3) Permit and inspection fees

- (4) Work on the structure related to installation of the accessibility improvements (e.g., paint touch-up)
 - (5) Intake and related application processing costs
 - (6) Inspection to determine scope of work
 - (7) Development of work write-up and specifications
 - (8) Activity associated with development and execution of agreements with property owner and tenant
 - (9) Project bidding
 - (10) Contractor selection
 - (11) Development and execution of construction documents
 - (12) Construction monitoring
 - (13) Progress inspections
 - (14) Construction pay outs
 - (15) Project closeout
 - (16) Other activities incidentally but directly related to the construction of the accessibility improvements.
- (b) The following are ineligible uses of program grant funds:
- (1) Any use not specified as eligible.
 - (2) Grant funds cannot be used to pay for a Recipient's general administrative or operating expenses.

Section 105. Eligible Grantees

- (a) The EAGR funds are to be used for the benefit of low-income tenants with disabilities. The tenants with disabilities and the property owners who rent to them are the beneficiaries of the constructed improvements.

- (b) Eligible grantees include:
 - (1) Low-income tenants with disabilities. At least one member of the household must have a qualifying disability.
 - (2) Rental property owners who agree to rent the units improved with EAGR grant funds to low-income tenants with disabilities.

Section 106. Local Program Administration

- (a) The Recipient shall implement the local EAGR program and be responsible for the following activities:
 - (1) Developing and employing EAGR program guidelines, approved by the Department, which shall include the following:
 - (A) Plans for marketing the local program;
 - (B) Maximum grant allowed to an individual project including:
 - (i) Maximum grant per rental unit
 - (ii) Maximum grant per rental complex
 - (iii) Maximum grant per project for common area accessibility improvements
 - (C) Procedures for intake and processing applications;
 - (D) Methods for determining the low-income tenant with disabilities' income-eligibility pursuant to the income requirements of the program;
 - (E) Procedure for determining the rental property owner's eligibility.
 - (F) Procedure for determining the eligibility of rental property proposed for accessibility improvements.
 - (G) Methods for determining a tenant's eligibility as disabled for program eligibility;
 - (H) Methods for determining the appropriate scope of improvement to assist the tenant with accessibility.
 - (I) Procedures for selecting project grantees;

- (J) Compliance with the requirements of all Sections of these Guidelines.
- (2) Maintaining complete and accurate records of all EAGR program grant disbursements to ensure adherence to proper accounting procedures for EAGR program grants, which may be verified by the Department and may be subject to a fiscal and programmatic audit;
- (3) Complying with reporting requirements of Section 117; and
- (4) Complying with all other locality and/or nonprofit corporation requirements as set forth in these guidelines and all applicable Federal and State regulations.

Article 3. Project Requirements

Section 107. The Rental Property and the Property Owner

- (a) To be eligible for EAGR funded improvements, the rental property must be;
 - (1) Currently rented by a low-income tenant with a qualifying disability, or;
 - (2) If vacant, affordable to a low-income tenant.
- (b) Written permission from the property owner to install EAGR eligible improvements shall be required.
- (c) The property owner and the tenant shall approve;
 - (1) the scope and design of the proposed work;
- (d) The property owner shall approve the contractor selected to perform the work.
- (e) The contract for the improvements shall be between, and signed by, the contractor and the property owner.

Section 108. Design Standards

- (a) The Department will provide all Recipients with a copy of Chapter 11A of the California Building Code which covers accessibility design standards

for persons with disabilities. These standards shall be used by local programs in development and approval of minimum standards for individual project designs.

- (b) When an improvement is not covered by State standards, the design standards included in the U.S. Department of Housing and Urban Development's Fair Housing Accessibility Guidelines and other accepted standards shall apply.
- (c) All accessibility improvement projects must also meet all other applicable state and local codes and requirements.

Section 109. Construction Standards

- (a) All improvements made with EAGR funds will meet all requirements in Section 108 of these Guidelines, unless amended by the local jurisdiction or validly approved as an alternate material or method, and:
 - (1) all work with a value over \$500 shall be performed by a contractor licensed by the California Contractors State License Board, with the classification appropriate to the work, with a license in good standing; and
 - (2) all work shall be constructed with permits and inspected as required by the local jurisdiction. All work not requiring a permit and /or inspection shall include certification from the Recipient and the contractor that the work is consistent with all applicable laws and was performed and completed in a manner consistent with accepted trade standards.
- (b) The Recipient shall develop program construction guidelines, which must be approved by the Department, and address the following issues;
 - (1) Eligible improvements
 - (2) Work write-up, including
 - (A) On-site inspection
 - (B) Determination of scope of work
 - (C) Estimating construction project cost
 - (3) Project bidding procedures
 - (4) Contractor selection process, and contract award procedures
 - (5) Progress inspections and pay draw procedures

- (6) Dispute resolution procedures
- (7) Project closeout, including;
 - (A) Warranties on installed products
 - (B) Certificate as required by (a)(3) of this Section

Section 110. Construction Administration

- (a) Contracts between the construction contractor and the property owner or tenant shall comply with all applicable sections of law, and shall contain a provision whereby the contractor and the property owner indemnify the State of California for any loss or damage sustained by the tenant, property owner or contractor as a result of the construction work.
 - (1) Contractor shall provide the property owner with lien releases at progress payments and at completion.
 - (2) Contractor shall provide the property owner and tenant with certificates of insurance naming the property owner and tenant as an additional insured during the course of construction.

Section 111. Project Guidelines

- (a) Property owners shall be required to keep the accessibility improvements made to their properties in safe and serviceable condition as long as the improvements are in place.
- (b) Applications for EAGR grants to make a single unit accessible (either a single family home or a single unit in a multi-unit complex) may be made by either an eligible tenant, or the property owner.
- (c) Applications for EAGR grants to make multiple units accessible in a single complex must be made by the property owner.
- (d) The property owner will be required to provide written assurance that;
 - (1) the accessibility improvements provided with EAGR grant funds will be maintained in serviceable condition, and;
 - (2) owner will notify a local independent living center or other agency serving persons with disabilities when a vacancy occurs in the accessible units.

Article 4. Application Procedures

Section 112. Application Process

- (a) The Department shall issue a Notice of Funding Availability (NOFA) that specifies, among other things, the amount of funds available, the grant award criteria, the dates that applications will be accepted, and the general terms and conditions of funding commitments. The Department shall also make information available in the NOFA describing the method used in evaluating applications in response to the NOFA.
- (b) Only applications that are substantially complete shall be eligible for funding. Applications will be considered for funding based on the date of receipt of a substantially complete application. Funds will be awarded to applications which meet the selection criteria as detailed in Section 114, in the order received, subject to (c) below, until all available funds are awarded, at which time applications will be closed.
- (c) In order to implement the goals and purposes of the EAGR Program, the Department may adopt measures to direct funding awards to local programs that are located in rural areas or other geographic areas to achieve a reasonable geographic distribution of funding.

Section 113. Application Requirements

Application shall be made on a form provided by the Department. The Department-provided application form shall request the following information:

- (a). Applicant identification information including: name, address, telephone number, contact person and, for nonprofit corporations, corporate governing documents and financial information (e.g., articles and by-laws, certificate of good standing, confirmation of 501(c)(3) status, audited financial statements), and list of legislative representatives for the area where the program will be undertaken.
- (b). Governing board resolution in a form acceptable to the Department authorizing the application.
- (c). Certification that the applicant has the authority to undertake the activities applied for and that it agrees to comply with all program requirements.
- (d). Program description including: amount applied for, number of units or households to be assisted, income levels of households to be assisted, description of prior experience with the type of program applied for, geographic location of the activities, and financing sources and uses.

- (e). A description of how the applicant will comply with the requirements for local program administration set forth in Section 106.

Section 114. Selection Criteria

- (a) Applications shall not be considered for funding unless the application is received pursuant to the deadline and otherwise complies with the requirements of the NOFA;
- (b) Applicants must also demonstrate that all of the following conditions exist:
 - (1) the application contains substantially all of the information required by Section 113;
 - (2) the applicant is eligible;
 - (3) the applicant proposes an eligible activity;
 - (4) the applicant proposes an eligible use of the funds;
 - (5) the applicant has no pending lawsuits that would impact implementation of the program for which funding is being requested;
 - (6) the proposed program is consistent with any special terms and conditions of the NOFA.
- (c) Applications shall be reviewed by staff for compliance with the requirements of Section 112, Section 113 and Section 114(a) and (b). Applications which comply with these requirements will receive a preliminary award of EAGR funds on a first received, first funded basis, until such time as all available funds under the NOFA are awarded.
- (d) If at any time eligible applications exceed the amount of funds remaining available, the Department may create a funding list based on the capability and experience of the applicants. Applicants' capability and experience will be rated using the following criteria:
 - (1) Maximum score is 200 points;
 - (A) Applicant currently operates a housing rehabilitation program that includes disabled access improvements as an eligible use of funds, and the program includes outreach and marketing to the disabled community, including advocates and providers, tenants, and/or owners of rental properties that house disabled persons.
50 points, Plus 10 additional points for each year of operation during the last 5 years (100 points maximum).

- (B) Applicant currently operates a single-family housing rehabilitation program.
30 points, Plus 10 additional points for each year of operation during the last 5 years. (80 points maximum)
[NOTE: If points are claimed under (A) above, applicant is ineligible for points under (b).]
- (C) The average number of housing rehabilitation loans or grants made per year for disabled access improvements over the past 5 years.
(60 points maximum) [All applications will be reviewed and placed on a continuum and points will be awarded accordingly.]
- (D) The average number of housing rehabilitation loans or grants made per year over the last 5 years.
(40 points maximum) [All applications will be reviewed and placed on a continuum and points will be awarded accordingly.]
- (e) Subject to the geographic set-aside, the Department shall then fund down the list, beginning with the application that scores highest using the criteria in (d) above, until all available funds are exhausted.

Article 5. Program Operations

Section 115. Legal Documents

- (a) Upon the award of funds the Recipient shall enter into a Standard Agreement with the Department constituting a conditional commitment of funds. This contract shall require the Recipient to comply with the requirements and provisions of these guidelines. The Standard Agreement shall encumber State monies in the amount of the award, subject to limits established in the NOFA and consistent with the application. The Standard Agreement shall contain, but not be limited to, the following as appropriate for the activity.
 - (1) a description of the approved local program and the permitted uses of EAGR program funds;
 - (2) provisions governing the amount, terms and conditions of the Department's grant to the Recipient;
 - (3) the Recipient's responsibilities for operation of the local program, including, but not limited to, marketing, EAGR Program grant

processing and funding, construction monitoring and disbursement, report submissions, file documentation;

- (4) manner, timing and conditions for disbursement of EAGR funds to Recipients;
- (5) remedies available to the Department in the event of a violation, breach or default of the standard agreement;
- (6) requirements that the Recipient permit the Department or its designated agents and employees the right to inspect the project or local program and all books, records and documents maintained by the Recipient in connection with the local EAGR program;
- (7) special conditions imposed as part of Department approval of the local program;
- (8) terms and conditions required by federal or state law; and
- (9) other provisions necessary to ensure compliance with the requirements of the EAGR Program.

Section 116. Disbursement of Grant Funds

- (a) EAGR Program funds may be disbursed on an advance basis. Details of the process for advance disbursements will be published in the current NOFA, and shall be included in all Standard Agreements. Advances may include, but are not limited to:
 - (1) advances for EAGR programs up to the amount of the Recipient's anticipated volume of closed grants for the following sixty days; or
 - (2) other arrangements as developed between the Recipient and the Department.

Section 117. Reporting Requirements

- (a) During the term of the Standard Agreement and, no later than thirty (30) days after the end of each calendar quarter, the Recipient shall submit to the Department a performance report on a form approved by the Department.
- (b) During the term of the Standard Agreement, no later than thirty (30) days after June 30th of each year, the Recipient shall submit an annual performance report on a form approved by the Department.

- (c) At any time during the term of the Standard Agreement, the Department may perform or cause to be performed an independent financial audit of any and all phases of the Recipient's local EAGR program.

Section 118. Expenditure Deadlines

- (a) One hundred (100) percent of funds shall be expended within twenty-four (24) months of the date of the Standard Agreement with the Department. Funds remaining after 24 months shall be disencumbered by the Department, unless the Recipient presents compelling information that delay in expenditure was beyond its reasonable control.